



General Assembly

January Session, 2003

**Committee Bill No. 5119**

LCO No. 4167

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

**AN ACT CONCERNING ELIGIBILITY FOR FAMILY AND MEDICAL  
LEAVE.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 31-51kk of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 As used in sections 31-51kk to 31-51qq, inclusive:

4 (1) "Eligible employee" means an employee who has been employed  
5 (A) for at least twelve months by the employer with respect to whom  
6 leave is requested; and (B) for at least one thousand hours of service  
7 with such employer during the twelve-month period preceding the  
8 first day of the leave;

9 (2) "Employ" includes to allow or permit to work;

10 (3) "Employee" means any person engaged in service to an employer  
11 in the business of the employer;

12 (4) "Employer" means a person engaged in any activity, enterprise  
13 or business who employs seventy-five or more employees, and

14 includes any person who acts, directly or indirectly, in the interest of  
15 an employer to any of the employees of such employer and any  
16 successor in interest of an employer, but shall not include the state, a  
17 municipality, a local or regional board of education, or a private or  
18 parochial elementary or secondary school. The number of employees  
19 of an employer shall be determined on October first annually;

20 (5) "Employment benefits" means all benefits provided or made  
21 available to employees by an employer, including group life insurance,  
22 health insurance, disability insurance, sick leave, annual leave,  
23 educational benefits and pensions, regardless of whether such benefits  
24 are provided by practice or written policy of an employer or through  
25 an "employee benefit plan", as defined in Section 1002(3) of Title 29 of  
26 the United States Code;

27 (6) "Health care provider" means (A) a doctor of medicine or  
28 osteopathy who is authorized to practice medicine or surgery by the  
29 state in which the doctor practices; (B) a podiatrist, dentist,  
30 psychologist, optometrist or chiropractor authorized to practice by the  
31 state in which such person practices and performs within the scope of  
32 the authorized practice; (C) an advanced practice registered nurse,  
33 nurse practitioner, nurse midwife or clinical social worker authorized  
34 to practice by the state in which such person practices and performs  
35 within the scope of the authorized practice; (D) Christian Science  
36 practitioners listed with the First Church of Christ, Scientist in Boston,  
37 Massachusetts; (E) any health care provider from whom an employer  
38 or a group health plan's benefits manager will accept certification of  
39 the existence of a serious health condition to substantiate a claim for  
40 benefits; (F) a health care provider as defined in subparagraphs (A) to  
41 (E), inclusive, of this subdivision who practices in a country other than  
42 the United States, who is licensed to practice in accordance with the  
43 laws and regulations of that country; or (G) such other health care  
44 provider as the Labor Commissioner determines, performing within  
45 the scope of the authorized practice. The commissioner may utilize any  
46 determinations made pursuant to chapter 568; [.]

47     (7) "Hours of service" means any hours for which an eligible  
48     employee receives pay from the employer, including actual working  
49     hours, vacation time, sick time and holidays;

50     [(7)] (8) "Parent" means a biological parent, foster parent, adoptive  
51     parent, stepparent or legal guardian of an eligible employee or an  
52     eligible employee's spouse, or an individual who stood in loco parentis  
53     to an employee when the employee was a son or daughter;

54     [(8)] (9) "Person" means one or more individuals, partnerships,  
55     associations, corporations, business trusts, legal representatives or  
56     organized groups of persons;

57     [(9)] (10) "Reduced leave schedule" means a leave schedule that  
58     reduces the usual number of hours per workweek, or hours per  
59     workday, of an employee;

60     [(10)] (11) "Serious health condition" means an illness, injury,  
61     impairment, or physical or mental condition that involves (A) inpatient  
62     care in a hospital, hospice, nursing home or residential medical care  
63     facility; or (B) continuing treatment, including outpatient treatment, by  
64     a health care provider;

65     [(11)] (12) "Son or daughter" means a biological, adopted or foster  
66     child, stepchild, legal ward, or child of a person standing in loco  
67     parentis, who is (A) under eighteen years of age; or (B) eighteen years  
68     of age or older and incapable of self-care because of a mental or  
69     physical disability; and

70     [(12)] (13) "Spouse" means a husband or wife, as the case may be.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

**Statement of Purpose:**

To require that paid time off hours be included in an employee's total number of hours of service when determining eligibility for family and medical leave.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. WINKLER, 41st Dist.; SEN. PETERS, 20th Dist.  
REP. RYAN, 139th Dist.

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